

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

James Gregory Coeyman,	)	Civil Action No.: 8:08-2655-TLW-BHH
	)	
Plaintiff,	)	
	)	
vs.	)	<b><u>REPORT AND RECOMMENDATION</u></b>
	)	<b><u>OF MAGISTRATE JUDGE</u></b>
James Metts, Sheriff Lexington	)	
County; Sgt. Linda Mickens; C.O.	)	
Troy Hall; C.O. Jeff Derrick; and	)	
C.O. Felder; C.O. White,	)	
	)	
Defendants.	)	
	)	
	)	

The plaintiff brought this action seeking relief pursuant to Title 42, United States Code, Section 1983. On July 20, 2009, an Order was issued by the Honorable Terry L. Wooten [Doc. 60] accepting the Report and Recommendations filed on April 16, 2009 [Doc. 52], granting the motion to dismiss filed by Lexington County and the Lexington County Detention Center, and also dismissing Correct Care Solutions with prejudice. This order was mailed to the plaintiff's last known address at 163 Clermont Lakes Drive, Lexington, SC. The envelope containing this order was returned to the court marked "Return to Sender, Not Deliverable as Addressed, Unable to Forward" as the plaintiff is apparently no longer at this address. A check of the SCDC and BOP website by the Clerk's Office staff showed no listing for the plaintiff.

The record reveals that the plaintiff was advised initially of his responsibility to notify the court *in writing* if his addressed changed in an order dated September 22, 2008. [Doc. 10.] Despite the explanation in that order, plaintiff did not notify the court of his address change. Furthermore, the undersigned notes that previously on February 17, 2009,

February 23, 2009, and March 6, 2009, orders issued by this Court were returned as undeliverable and an order was issued on March 12, 2009, again advising the plaintiff of his obligation to keep the court informed of any address changes and giving him until March 23, 2009, to provide a new address. This order was mailed to the plaintiff at the interim address he had provided, and was not returned. A letter was received from the plaintiff on April 24, 2009 [Doc 54], and a response in opposition to the remaining defendants' summary judgment motion was received on May 28, 2009 [57]. Each was mailed in envelopes that showed the return address for the plaintiff as 163 Clermont Lakes Drive, Lexington, SC 29073.

Based on the foregoing, it appears the plaintiff no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed *with prejudice* for lack of prosecution and for failure to comply with this Court's orders, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and the factors outlined in *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir.1982). See *Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989).

s/Bruce H. Hendricks  
United States Magistrate Judge

August 19, 2009

Greenville, South Carolina